III. REMARKS

Status of the Claims

Claims 1-13 remain under consideration.

Summary of the Office Action

Claims 1-13 stand rejected under 35USC102(e) based on the previously cited reference Wong, et al, U.S. Patent No. 5,881,103. Claims 5-9 and 12-13 stand rejected under 35USC103(a) based on the reference Wong, et al. The Examiner is respectfully requested to reconsider her rejection in view of the following remarks.

The previous allowance of the subject matter, now contained in claims 1 and 5 as previously amended, has been withdrawn.

The claims of this application are drawn to a device and method for utilizing a separate auxiliary device to load audio parameters into an electronic device according to the optimum needs of the auxiliary device. The flow of the audio parameters to the electronic device is a two way communication between a microprocessor in the auxiliary device and the digital signal processor of the electronic device.

The reference Wong, et al discloses a loud speaker device 120 having a memory 220 in which audio parameters may be stored. The memory is connected to the microprocessor 204 of the radio 110 via signal line 250, which is clearly shown in figure 2 to be unidirectional (see column 2, lines 64-67). Microprocessor 204 controls the DSP 206 of the radio 110. The reference Wong, et al further discloses, at column 2, line 67 - column 3, line 2, other lines 240 are used to provide audio signals between radio 110 and the accessory 120. Referring to figure 2 again, there is no connection shown between memory 220 and the

accessory circuitry 222. Therefore, there can be no processing of the audio parameters by accessory circuitry 222. In support of the rejections, the Examiner characterizes the disclosure of Wong, et al as showing two way communication and a microprocessor in the auxiliary device. As described above, this is not what is claimed. **What is claimed is the two way communication of audio parameters by a microprocessor in the auxiliary device.**

The examiner has reverted to earlier arguments that Wong et al. discloses two-way communication between the device and an accessory device connected to it. The Examiner refers to column 3, lines 5 to 24 and column 2, lines 52 to 57. As indicated above, this is not relevant to the claims, as it does not teach that the audio parameters are supplied to the DSP of the radio via two way communication through a microprocessor in the auxiliary device. The audio parameter transfer is one way, as shown by arrow 250, and no microprocessor in the auxiliary device controls this transfer.

In addition, the Examiner states that Wong inherently discloses that there is a microcontroller in the accessory device, because the accessory device comprises an accessory circuit, which enables the function of the accessory device. However, the Examiner fails to notice that, for example, in Fig 2, a one way transfer line 250 has been drawn from the memory of the accessory device to the radio interface 115 of the device. The memory of the accessory device can indeed be read in this manner by the device, without the accessory device having a microcontroller or the like. Wong, et al. seems to refer to the accessory circuitry only in column 2, lines 52 to 57. Applicant submits that the disclosure of circuitry that implements the

functions of the accessory does not support the Examiner's supposition that this would inherently involve a microprocessor.

The part of the text in question discloses audio means, therefore it is obvious that the accessory circuits in question are intended particularly for processing audio signals. These accessory circuits could be amplifiers and/or impedance adapters for a microphone, etc. Nevertheless, there is no connection shown between the memory 220 and the accessory circuitry 222. Therefore, even if the Examiner's supposition is correct, any microprocessor forming part of the circuitry 222 cannot process the audio parameters of memory 220.

In addition, in Fig. 4, block 410 shows a microphone signal path, whose function is disclosed in column 3 lines 44 to 58. The text is as follows:

"Audio signals received, for example, from a microphone 411 via the attached audio accessory is amplified via an amplifier 412 and converted to digital signals via an analog to digital converter 413. The digital signals are routed to a programmable equalizer filter 414, which has been programmed with gain and equalizer coefficient parameters 416 derived from information retrieved from the audio accessory."

In addition, column 3, lines 15 to 19 state:

"For example, the DSP 206 may interface to the audio analog input and output stages within the radio, which are used to process signals from an accessory, to drive analog voice or data signal lines for the accessory."

On the basis of what is stated above, the reference Wong, et al implies that the interface between the (radio) device and the accessory device comprises an analog audio interface and a digital interface for reading the information from the memory. Wong does not disclose digital two-way data transfer between the device and the accessory device, nor a microcontroller in an accessory device.

The Issue of Anticipation

It is well settled that a claim is anticipated, "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (See CHISOLM, Federal Circuit Guide, Pg. 1221).

> "...it must be shown that the reference contains all of the elements of the claims apart from irrelevant or merely extraneous variations, and the elements are arranged in the same way to achieve the same result which is asserted to be an inventive function..." 454 U.S. 1129 (1981)

The elements of the claim and their function and purpose within the claim must be reviewed in a manner similar to an infringement analysis. If the device described in the cited reference would not infringe if it was later, it will not anticipate if the reference is earlier.

Applying this standard again to the system of the reference Wong et al, it becomes clear that it is missing significant elements of independent claims 1 and 5. There is no provision in the system of Wong, et al for two way communication of audio parameters by a microprocessor in the auxiliary device.

Claim 1 states:

"further comprising operating a microcontroller in said auxiliary device to conduct said two way communication."

Equivalent language also is contained in claim 5. Since these elements form no part of the system of Wong, et al, there would be no infringement if Wong was later, therefore, the cited reference Wong does not support the rejection by the Examiner based on anticipation.

The Examiner also relies on the reference Wong et al in primary support of the rejection based on obviousness. For the reasons stated above, the reference Wong, et al also fails to support the rejection under 35USC103.

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Please charge Deposit Account No. 16-1350 for any fee deficiencies with regard to the filing of this Amendment.

Respectfully submitted,

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12 December 2003
Date

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